

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Alexandria Division

<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>v.</b>	:	<b>Criminal Case No. 1:18-CR-457 (AJT)</b>
	:	
<b>BIJAN RAFIEKIAN, et al.</b>	:	

**DEFENDANT BIJAN RAFIEKIAN’S CONSENT MOTION FOR EXTENSION OF TIME  
TO FILE ANY POST-TRIAL MOTIONS PURSUANT TO RULE 33**

Defendant Bijan Rafiekian, through counsel, respectfully moves this Court for an extension of time to file a motion for a new trial under Federal Rule of Criminal Procedure 33. The Defendant requests that this deadline be extended to August 17, 2019, to align with the deadline the Court has already set for additional briefing under Rule 29. Counsel for the government consents to this motion.

The time for filing a motion under Rule 33 is 14 days after the date upon which the defendant was found guilty, unless extended by the Court. *See* FED. R. CRIM. P. 33(b)(2); *Id.* 45(b)(1)(A) (permitting courts to extend time “before the originally prescribed or previously extended time expires”); *Eberhart v. United States*, 546 U.S. 12, 13 (2005) (noting courts may extend the deadline for a motion under Rule 33(b)(2)). The Defendant was found guilty on July 23, 2019, and therefore the Defendant’s current deadline to file a motion for a new trial under Rule 33 is August 6.

On July 23, 2019, the Court set a deadline of August 17, 2019 for additional briefing relating to the Defendant’s pending motion for judgment of acquittal under Rule 29. The Defendant’s anticipated Rule 33 motion will address issues that overlap substantially with the issues presented in its Rule 29 motion. The Defendant accordingly requests that the Rule 33

deadline be extended to August 17, 2019, to align with the deadline to file additional briefing under Rule 29.

Dated: July 30, 2019

Respectfully submitted,

/s/

Mark J. MacDougall (*Pro Hac Vice*)  
Stacey H. Mitchell (*Pro Hac Vice*)  
John C. Murphy (*Pro Hac Vice*)  
Adam A. Bereston (*Pro Hac Vice*)  
Samantha J. Block (*Pro Hac Vice*)  
*Counsel for Bijan Rafiekian*  
Akin Gump Strauss Hauer & Feld LLP  
2001 K Street NW  
Washington, DC 20006  
Telephone: (202) 887-4000  
Fax: (202) 887-4288  
E-mail: [mmacdougall@akingump.com](mailto:mmacdougall@akingump.com)  
[shmitchell@akingump.com](mailto:shmitchell@akingump.com)

/s/

Robert P. Trout (VA Bar # 13642)  
*Counsel for Bijan Rafiekian*  
Trout Cacheris & Solomon PLLC  
1627 Eye Street, NW  
Suite 1130  
Washington, DC 20006  
Telephone: (202) 464-3311  
Fax: (202) 463-3319  
E-mail: [rtrout@troutcahceris.com](mailto:rtrout@troutcahceris.com)

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 30th day of July 2019, true and genuine copies of Defendant Bijan Rafiekian's Consent Motion for Extension of Time to File Any Post-Trial Motions Pursuant to Rule 33 was sent via electronic mail by the Court's CM/ECF system to the following:

James P. Gillis  
John T. Gibbs  
Evan N. Turgeon  
U.S. Attorney's Office (Alexandria-VA)  
2100 Jamieson Avenue  
Alexandria, VA 22314  
Telephone: (703) 299-3700  
Email: [james.p.gillis@usdoj.gov](mailto:james.p.gillis@usdoj.gov)  
[john.gibbs@usdoj.gov](mailto:john.gibbs@usdoj.gov)  
[evan.turgeon@usdoj.gov](mailto:evan.turgeon@usdoj.gov)

/s/  
Robert P. Trout (VA Bar # 13642)